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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,087	11/07/2001	Osamu Kawamae	520.36525CX2	4764
24956 7590 05/25/2007 MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314			EXAMINER HOANG, THAI D	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 05/25/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/986,087

**Applicant(s)**

KAWAMAE ET AL.

**Examiner**

Thai D. Hoang

**Art Unit**

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed 2/23/2007.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 23-27 and 29-31 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 23-25, 30 and 31 is/are allowed.  
6) ☒ Claim(s) 26, 27 and 29 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 26-27 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka et al, US PAT No. 5,881,037, hereinafter referred to as Tanaka.

Regarding claim 26, Tanaka discloses a method and apparatus for recording and reproducing, comprising:

an input section 801 receives input information data, which sequentially writes the input information data frame by frame to the memory 802, figs. 8 (element 801), fig. 9 (step 901), col. 17, lines 45-47, col. 18, line 66-col. 19, line 1 (preparing data frames of said information data into which the additional information data are to be embedded);

a synchronization code inserter 806 inserts synchronization codes S1-S4 multiple times into each information data frame repetitively and separately at different positions in the frame, see fig. 1 (embedding said additional information data plural times into said data frame, as an electronic watermark, repetitively and separately at different positions in said data frame);

the information data frame included synchronization codes is output at the synchronization code inserter 806 and written on an optical disk or other medium, see fig. 8, col. 18, lines 10-14 (transmitting said data frame of the information data

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embedded at different positions in said data frame with the repetitive additional information data.)

Furthermore, Tanaka discloses an optical disk reproduction apparatus 1100 at a receiver side (fig. 11) comprising:

a sync code detector 1101 receives data frames transmitted from the optical disk or other medium, wherein the received data frames comprise multiple synchronization codes S1-S4 at different positions in the frames (means for receiving the transmitted data frames of information data embedded in said data frame with the repetitive and separate additional information);

the sync code detector 1101 detects the repetitively and separately synchronization codes at different positions in the frame as shown in fig. 1. The sync code detector 1101 identifies each synchronization code identifier and outputs a synchronization code detection signal to type Information reader 1102, see fig. 1, 11, col. 22, lines 1-37 (means for detecting the repetitive additional information data which are embedded in said data frame of the information data received, means for determining said additional information data based on repetitiveness of the additional information data detected.)

Regarding claim 27, in figure 8, Tanaka discloses an optical disk recording apparatus 800, wherein the data frame included sync codes is outputted and written on the optical disk or other recording medium, fig. 8, col. 18, lines 10-14 (means for recording the information data embedded at different positions in said data frame with

the repetitive and separately additional information data onto an optical information recording medium.)

Regarding claim 29, in fig. 11, Tanaka discloses an optical disk reproduction apparatus 1100 including the sync code detector 1101 for reproducing the repetitively and separately synchronization codes at different positions in the frame as shown in fig. 1 received from the optical disk (means for reproducing the information data embedded at different positions in said data frame with the repetitive and separately additional information data onto an optical information recording medium.)

#### ***Allowable Subject Matter***

Claims 23-25 and 30-31 are allowed.

The following is an examiner's statement of reasons for allowance:

Tanaka et al, US PAT No. 5,881,037, discloses a method and apparatus for recording and reproducing. However, Takana does not fairly teach or suggest the method comprises the step of determining the additional information data based on a majority rule of the repetitive and separate additional information data embedded in said data frame as recited in claims 23 and 30.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Response to Arguments***

With respect to claims 23-25 and 30-31, Applicant's arguments filed 2/23/2007 have been fully considered and are persuasive. The rejection of claims 23-25 and 30-31 has been withdrawn. Claims 23-25 and 30-31 are allowed as indicated above.

With respect to claims 26-27 and 29, Applicant's arguments filed 2/23/2007 have been fully considered but they are not persuasive. Page 7 of the remarks, Applicants argued that claim 26 was amended to contain features recited in the objected claim 23. Examiner could not find the features of claim 23 in the amended claim 26. Claim 26 should be combined with claims 26, 28 (or 22) and 23 in order to allow. The amended claim 26 was combined from claims 26 and 22. It was missing the features of claim 23 for allowance, and the rejection is maintained, therefore.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai D. Hoang whose telephone number is (571) 272-3184. The examiner can normally be reached on Monday-Friday 10:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*/Thai Hoang/*

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER  
5/23/08